

## REMARKS

The undersigned notes with appreciation that all rejections based on prior art have been withdrawn. In order to accelerate prosecution, the claims have been amended in a manner to place them in *prima facie* condition for allowance.

The application includes claims 10, 14, 79-90, 99, and 107-109. Claims 10, 79, 85, 87-90, 99, 105, 108, and 109 have been amended.

To address issues raised under 35 U.S.C. 112, second paragraph:

- Claim 10 has been amended to use proper Markus language;
- Claim 79 has been amended to specify both substrates have at least a 5 weight percent non-thermoplastic material, and that the second treatment vessel is different from the first treatment vessel;
- Claims 79 and 85 have been amended to recite “remaining” when referring to a portion of the flame retardant composition (claim 85 previously incorrectly referred to “excess” as noted by the Examiner; “remaining” is believed to be a more accurate word, as page 97 lines 10 et seq. of the application note that the flame retardant composition obtained after treatment and which is recycled for use on another substrate in the second vessel generally has the same concentration of chemicals);
- Claims 87-90 now use “the” instead of “a”;
- Claim 89 has been amended to recite “second” instead of “first”, as noted by the Examiner;
- Claim 105 has been amended to be focused on the first applying and first plurality of fibers (it being understood that the penetration can also be achieved on both groups of fibers); and
- Claims 108-109 now specify that the centrifuging occurs before the drying step.

To address issues raised under 35 U.S.C. 112, first paragraph, base claim 99 now specifies that the flame retardant composition is free of dye and that the substrate includes at least 5 weight percent non-thermoplastic material. The applicant may pursue claims which are not restricted to this preferred embodiment in a continuing application.

The amendment fully addresses all matters raised by the Examiner and should place the application in *prima facie* condition for allowance.

Reconsideration and allowance at an early date is requested.

If any extensions of time are required to gain entry of this response, provisional petition therefore is hereby made. If any fees are required to enter this response or to gain entry of any other accompanying paper, the Commissioner is authorized to charge attorney's deposit account 50-2041 (Whitham, Curtis & Christofferson).

Respectfully submitted,



Michael E. Whitham  
Reg. No. 32,635

Whitham, Curtis & Christofferson, P.C.  
11491 Sunset Hills Road, Suite 340  
Reston, VA 20190

Tel. (703) 787-9400  
Fax. (703) 787-7557

Customer No.: 30743